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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,027	11/21/2000	Arne D. Thormodsen	10004352-1	2390

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 03/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,027

Applicant(s)

THORMODSEN ET AL.

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3, 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: the application filed on 21/21/00, and the IDSs filed on 11/21/00, 3/21/01, and 7/22/02.
2. Claims 1-20 are pending in the case. Claims 1, 7, 13, 18 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warmus et al. (US Pat No. 6,327,599 B1, 12/4/01, filed 6/7/95).

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Regarding independent claim 13, Warmus discloses:

- obtaining a number of content items in a computer system to be depicted in a picture book cutout in the digital picture book template (col 3, lines 12-22: template data used in the book template)
- defining a number of pages of the picture book cutout in the computer system with a number of indicator lines (figures 6a-b, 7a-b, 8a-b and col 7 : number of pages is defined by folded lines 102, 119a, 119b)
- associating at least one of the content items with at least one of the pages (figures 6a-b, 7a-b, 8a-b, 9 and col 9, lines 15-56: insert text or image in the pages)
- associating a set of assembly instructions with the digital picture book template (col 6, lines 25-30: device interface for assembling the pages to produce finished books suggests that the device interface include assembling instructions associated with the book template)

Warmus does not disclose that the obtaining step and the defining step occur in a server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Warmus to include the occurrence of step obtaining and step defining in a server for the following reason. Warmus discloses a system for producing books using book templates. Therefore, the system is considered as a server that provides (or serves) data to be inserted in the book templates to produce books based on different requests for different book versions.

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The step of obtaining a number of content items and the step of defining a number of pages, accordingly, should be happened in said server system.

Regarding claim 14, which is dependent on claim 13, Warmus discloses positioning a graphical depiction of an assembly of a picture book from the picture book cutout into the digital picture book template, wherein the identifier lines are shown in the graphical depiction to aid in the assembly of the picture book (figures 6a-b, 7a, 8a-b, 9, col 7, lines 1-23, 36-67, col 8, lines 5-15: the graphical depiction with the folded lines to divide pages of the book cutout).

Regarding claim 15, which is dependent on claim 13, Warmus discloses identifying a graphical position of the at least one content item on the at least one page (col 8, lines 16-25; col 9, line 62 to col 10, line 14: specifying the position and content of fixed information on the pages).

Regarding claim 16, which is dependent on claim 15, Warmus discloses identifying a graphical position of the at least one content item on the at least one page further comprises the step of rotating the at least one content item (col 13, lines 26-35: books of different versions have different fixed and variable that vary in terms of content or appearance where appearance means style, location, *rotation*, position, etc. The fact that rotation is one of the factors that affects the appearance of the books of different versions suggests rotating the at least one content item in the book producing process).

Regarding claim 17, which is dependent on claim 15, Warmus discloses resizing the at least one content item to fit on the at least one page (figure 10d, col 13, line 64 to col 14, line 8: scaling image to fit into a page).

Claims 1-6 are for a system for creating a digital picture template of method claims 13-17, and are rejected under the same rationale.

Claims 7-12 include the same limitations as in claims 1-6, and are rejected under the same rationale.

Regarding independent claim 18, Warmus discloses:

- a picture book cutout having a number of pages, the pages defined by a number of identifier lines (figures 6a-b, 7a-b, 8a-b, col 7: the pages are defined by the folded lines in a picture book cutout)
- an instruction region including assembly instructions col 6, lines 25-30: device interface for assembling the pages to produce finished books suggests that the device interface include assembling instructions associated with the book template)

Warmus does not disclose explicitly a graphical depiction of an assembly of the picture book from the picture book cutout, wherein the identifier lines are shown in the graphical depiction to aid in the assembly of the picture book.

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Instead, Warmus discloses that the folded sheet is *trimmed along the folded lines* to separate the pages that *assembly a book* (col 7, lines 50-67 and figures 7a-b, 8a-b). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Warmus to include a graphical depiction of assembling the picture book since Warmus provides an assembling interface where said interface is obviously a graphical user interface. The fact that trimming the folded lines in the folded sheet *to separate the pages for assembling the book* shows that the folded lines are to aid the assembly of the picture book. This also suggests that the assembly interface should include the trimming instructions to separate the pages for a book since said trimming is one of the steps in assembly process.

Regarding claim 19, which is dependent on claim 18, Warmus discloses that wherein an image is positioned on at least one of the pages (col 8, lines 5-25: specifying the position and content of fixed information on the pages).

Regarding claim 20, which is dependent on claim 18, Warmus does not disclose a correspondence between an identifier line in the picture book cutout and an identifier line in the graphical depiction is indicated with a predefined color.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Warmus to include said correspondence since it was well known in document processing that text, line or graphic in a document can be set in a desired color for differentiating purpose. The identifier line in the picture book

cutout and the identifier line in the graphical depiction, accordingly, must be set in the same desired color for easily identifying.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokomizo et al. (US Pat No. 6,522,418 B2, 2/18/03, filed 5/12/98).

Warmus et al. (US Pat No. 6,446,100 B1, 9/3/02, filed 6/22/00).

Dwyer et al. (US Pat No. 5,706,457, 1/6/98, filed 6/7/95).

Saito (US Pat No. 5,966,455, 10/12/99, filed 7/12/95).

Anonymous, *Using paper wisely*, Step – By - Step Graphics, Dec 1998, vol. 14, pg. 23.

Davey, Do-it-yourself printing, Informationweek, Jun 8, 1998, Iss. 685, pg. 138.

Hanna, Writer worksheets: a layout workshop, Feb. 1995, vol. 42, pg. 183.


Demaine, Folding Flat Sihouettes and Wrapping Polyhedral Packages: New Results in Computational Origami, ACM 1999, pages 105-114.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh
3/1/04


STEPHEN S. HONG
PRIMARY EXAMINER